IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

THURSDAY, THE 26TH JULY 2007 / 4TH SRAVANA 1929

Crl.Rev.Pet.No. 765 of 2002()

CRA.386/2001 of IV ADDL.SESSIONS COURT, ERNAKULAM .
CC.1094/1996 of ADDL.CHIEF JUDICIAL MAGISTRATE, ERNAKULAM
.....

REVN. PETITIONER: APPELLANT/ACCUSED:

SOMAN, S/O.VAVA,
VALLIARAMBATH VEEDU, MARAVANTHURUTHU KARA,
MARAVANTHURUTHU VILLAGE, VAIKOM TALUK,
KOTTAYAM DISTRICT.

BY ADV. SRI.C.C.THOMAS
SRI.NIREESH MATHEW

RESPONDENT: RESPONDENT/COMPLAINANT:

STATE OF KERALA REPRESENTED BY
EXCISE INSPECTOR, THRIPUNITHURA RANGE REP.BY
PUBLIC PROSECUTOR,HIGH COURT OF KERALA,ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.C.K.SURESH

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 26/07/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

CRL.RP. NO.765/2002

ORDER ON CRL.MP. NO.4439/2002 IN CRL.RP. 765/2002

DISMISSED

26.07.2007 **SD/- K.R.UDAYABHANU, JUDGE**

/TRUE COPY/

P.A. TO JUDGE

tss

CRL.RP. NO. 765/2002

ORDER ON CRL.MP. NO.4439/2002 IN CRL.RP. NO.765/2002

DISMISSED

26.07.2007 **SD/- K.R.UDAYABHANU, JUDGE**

/TRUE COPY/

P.A.T O JUDGE

tss

K.R.UDAYABHANU, J

Crl.R.P.No.765 of 2002

Dated this the 26th day of July, 2007

O R D E R

The revision petitioner stands convicted for the offence under Section 58 of the Abkari Act and sentenced to undergo simple imprisonment for a period of three months and to pay a fine of Rs.15,000/- and in default, to undergo simple imprisonment for a period of three months.

2. Counsel for the revision petitioner has pleaded for modification of the sentence pointing out that the incident is of the year 1996. More than 10 years have elapsed since the commencement of the proceedings and so far the accused have been facing the ordeal of the criminal proceedings.

3. In the circumstances, the sentence is modified to imprisonment till the rising of the court and to pay a fine of Rs.15,000/- and in default, to undergo simple imprisonment for three months. The revision petitioner is granted one month's time to remit the fine amount. He shall appear before the

Additional Chief Judicial Magistrate Court, Ernakulam on 6.9.2007 to receive the sentence.

The criminal revision petition is disposed of as above.

K.R.UDAYABHANU,
JUDGE

csl